

## REMARKS

### **1. Claim Rejections – 35 U.S.C. § 102(b)**

#### **A. Yoshimura et al.**

In the Office Action mailed September 28, 2006, claims 14-16, 19-20, and 26-28 were rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,345,602 to Yoshimura et al. Applicants respectfully traverse these rejections.

#### **i. Claims 14-16, 19-20**

Independent claim 14 as amended recites “an elongate member comprising a proximal end, a main body having a first diameter, a distal end comprising an elongate tip having a first length and a uniform second diameter.” Yoshimura et al. discloses a wire 5 having a tapered end. (Col. 4, ll. 51-54). However, the portions of Yoshimura et al. cited do not disclose an elongate member with an elongate tip having a uniform diameter different than a diameter of a main body.

Claim 14 as amended also recites “a flexible tip having a second length axially extending beyond the elongate tip, the second length being approximately equal to or greater than the first length.” The portions of Yoshimura et al. cited do not disclose an elongate tip with a uniform diameter nor an elongate tip having a first length. Therefore, Yoshimura et al. cannot disclose a flexible tip longer than a length associated with an elongate tip. Accordingly, Applicants respectfully submit that the rejection to claim 14 has been overcome.

Claims 15-16 and 19-20 depend on claim 14 and should be allowable for similar reasons. Additionally, claim 20 recites “a curvilinear portion that is J-shaped.” On page 3, the Office Action conclusory states that the “flexible tip [of Yoshimura et al.] has a rounded tip and is

capable of acquiring a J-shape” without citing any support. The portions of Yoshimura et al. cited do not disclose a J-shaped curvilinear portion.

**ii. Claims 26-28**

Independent claim 26 as amended recites “an elongate member comprising proximal and distal ends, the proximal end having a first outer diameter and the distal end having a uniform second outer diameter.” As noted above, Yoshimura et al. discloses a wire 5 having a tapered end. (Col. 4, ll. 51-54). The portions of Yoshimura et al. cited do not disclose an elongate member with a distal end having a uniform diameter.

Claim 26 as amended also recites the “flexible tip being approximately equal to or greater than a longitudinal length of the distal end.” The portions of Yoshimura et al. cited do not disclose a distal end of uniform diameter having a longitudinal length. Accordingly, Applicants respectfully submit that the rejection to claim 26 has been overcome. Claims 27 and 28 depend upon claim 26 and should be allowable for similar reasons.

**B. Meyer et al.**

Claims 1 and 4-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,340,441 to Meyer et al. Applicants respectfully traverse these rejections.

Independent claim 1 as amended recites “a distal end comprising an elongate tip having a second uniform diameter.” The portions of Meyer et al. cited do not disclose a distal end having an elongate tip of a uniform diameter.

Claim 1 as amended also recites “a coating having at least a partial exterior with a second taper that approximates the first taper of the taper portion...the coating having a proximal portion and a distal portion, the proximal portion commencing within the taper portion of the elongate member.” The portions of Meyer et al. cited, for instance, Figure 1 and Col. 3, lines 48-51, do

not disclose a coating commencing within a taper portion of the elongate member having an exterior that approximates the taper of the taper portion.

Accordingly, Applicants respectfully submit that the rejection to claim 1 has been overcome.

Claims 4-10 depend upon independent claim 1 and should be allowable for similar reasons. Additionally, claim 4 recites “the radiopaque material comprising an opacifying agent loaded into the flexible tip, a concentration of the opacifying agent being based upon the diameter of the elongate member.” The Office Action states that Meyer et al. discloses “varying the concentration of the opacifying agent (Col. 3, lines 56-62).” Page 4. However, Col. 3, lines 56-62 of Meyer et al. does not disclose changing the concentration of an opacifying agent based upon the diameter of an elongate member.

Claim 5 recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the coating.” Again, the Office Action merely states that Meyer et al. discloses “varying the concentration of the opacifying agent (Col. 3, lines 56-62).” Page 4. However, Col. 3, lines 56-62 of Meyer et al. does not disclose changing the concentration of an opacifying agent based upon the diameter of a coating.

## **2. Claim Rejections – 35 U.S.C. § 102(e)**

In the Office Action, claims 1-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2004/0087876 to Eskuri. Applicants respectfully traverse these rejections.

### **A. Claims 1-13**

Independent claim 1 as amended recites “a coating having at least a partial exterior with a second taper that approximates the first taper of the taper portion.” Eskuri is directed toward a

number of balls being placed within a lumen. *See, e.g.*, Abstract; Fig. 1. However, the portions of Eskuri cited in the Office Action do not disclose a coating having an exterior with a taper that approximates a taper of an elongate member. Accordingly, Applicants respectfully submit that the rejection to claim 1 has been overcome.

Claims 2-13 depend upon independent claim 1 and should be allowable for similar reasons. Additionally, claim 4 recites “the radiopaque material comprising an opacifying agent loaded into the flexible tip, a concentration of the opacifying agent being based upon the diameter of the elongate member.” The Office Action states that Eskuri discloses a “flexible tip [that] comprises radiopaque material [0026].” Page 4. However, para. 0026 of Eskuri does not disclose changing the concentration of an opacifying agent based upon the diameter of an elongate member.

Claim 5 recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the coating.” Again, the Office Action merely states that Eskuri discloses a “flexible tip [that] comprises radiopaque material [0026].” Page 4. However, para. 0026 of Eskuri does not disclose changing the concentration of an opacifying agent based upon the diameter of a coating.

#### **B. Claims 14-20**

Independent claim 14 as amended recites a “coating having at least a partial exterior with a second taper that approximates the first taper of the taper portion.” The portions of Eskuri cited do not disclose a coating having an exterior with a taper that approximates a taper of an elongate member. Accordingly, Applicants respectfully submit that the rejection to claim 14 has been overcome.

Claims 15-20 depend upon independent claim 14 and should be allowable for similar reasons. Additionally, claim 17 recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the elongate member.” As noted above, the portions of Eskuri cited do not disclose altering a concentration of an opacifying agent based upon the diameter of an elongate member.

Claim 18 recites “the radiopaque material comprising an opacifying agent loaded into the coating, a concentration of the opacifying agent being based upon the diameter of the coating.” As noted above, the portions of Eskuri cited do not disclose altering a concentration of an opacifying agent based upon the diameter of a coating.

Claim 20 recites “a curvilinear portion that is J-shaped.” The Office Action argues that Eskuri discloses a “flexible tip [that] comprises a curvilinear distal portion [0023].” However, para. 0023 merely states that the distal tip may be preformed into a desired shape, presumably similar to the shapes shown in the Figures and which are not curvilinear. Hence, the portions of Eskuri cited do not disclose a flexible tip having a J-shaped curvilinear portion.

### **C. Claims 21-25**

Independent claim 21 as amended recites an “elongate tip having a uniform second diameter” and “the length of the flexible tip being greater than a longitudinal length of the elongate tip.” The portions of Eskuri cited do not disclose a flexible tip that is longer than an elongate tip of an elongate member having a uniform diameter. Accordingly, Applicants respectfully submit that the rejection to claim 21 has been overcome. Claims 22-25 depend upon independent claim 21 and should be allowable for similar reasons.

**D. Claims 26-28**

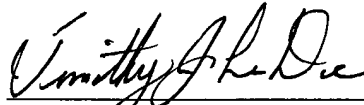
Independent claim 26 as amended recites “the flexible tip being approximately equal to or greater than a longitudinal length of the distal end,” the “distal end having a uniform second outer diameter.” As noted above, the portions of Eskuri cited do not disclose a flexible tip having a length equal to or greater than a distal end of an elongate member with a uniform diameter. Accordingly, Applicants respectfully submit that the rejection to claim 26 has been overcome.

Claims 27 and 28 depend upon independent claim 26 and should be allowable for similar reasons. Additionally, claim 28 recites “a portion of the coating is disposed between the distal end of the elongate member and the solid member, the portion of the coating being solid.” The portions of Eskuri cited do not disclose a solid portion of coating between a distal end of an elongate member and a solid member.

## SUMMARY

Applicants respectfully submit that all of the pending claims are in condition for allowance and seek allowance thereof. If for any reason the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, the Examiner is respectfully requested to call the undersigned at (312) 321-4277.

Respectfully submitted,



---

Timothy J. Le Duc  
Registration No. 54,745  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

Dated: December 20, 2006